

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Davis

February 24, 2009

An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Davis. Tire age degradation: consumer disclosure.

Existing law provides for the establishment and enforcement of various product safety standards for consumer products, including, among others, requiring specified warning labels for water heaters, and prohibiting the sale of contaminated toys and lead-tainted tableware.

This bill would require a tire dealer to disclose the ~~age~~ *date of manufacture* of each automobile tire in writing prior to the sale or installation of that tire. The bill would require sale documents for tires to include a statement as to the ~~age~~ *date of manufacture* of the tires, next to which the customer would be required to initial prior to purchase. The bill would require a tire dealer to provide a written disclosure to the customer prior to the sale or installation of any tire about the risk associated with tire age ~~in English, and to provide a clear and conspicuous written disclosure to the customer of the length of the remaining factory warranty on any tire sold as new or used.~~ The bill

would provide that any violation of its provisions is subject to a civil penalty of \$250 per violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In a 2007 report to Congress, the National Highway Traffic
4 Safety Administration (NHTSA) acknowledged that “tire aging is
5 a serious safety issue.” NHTSA also reported that insurance
6 statistics from a number of states, including California, showed
7 that 84 percent of tire-related claims were for “tires over 6 years
8 old.”

9 (b) Since 2005, major tire manufacturers have issued technical
10 bulletins advising against the use of tires that are six to 10 years
11 old. However, most defer to vehicle manufacturers’ guidelines,
12 which are predominantly six years. These bulletins were preceded
13 by others overseas, like the 2001 British Rubber Manufacturers
14 Association, which includes all of the major tire makers or their
15 subsidiaries.

16 (c) The tire industry, vehicle manufacturers, and NHTSA
17 recognize that tire age degradation presents a hazard.

18 (d) Vehicle and tire manufacturers have recommended light
19 truck and passenger tires older than six years from the date of
20 manufacture should not be used, particularly spares. Currently,
21 nearly all vehicle manufacturers have adopted a six-year policy
22 warning that tires should be removed from service after six years,
23 regardless of tread depth or use. Unfortunately, these warnings are
24 often inconspicuously buried in the depths of a several hundred
25 page owner’s manual.

26 (e) The ~~age~~ *date of manufacture* of tires can be determined by
27 checking the identification number on the sidewall that begins
28 with the letters “DOT.” The last four digits represent the week and
29 year the tire was manufactured. However, this code is
30 inconspicuously positioned on the tire, and a consumer would not
31 likely be able to understand the DOT number unless he or she had
32 prior knowledge about how to decode it.

(f) Consumer disclosure is an important step to prevent tragedies that continue to occur when aged tires fail catastrophically.

SEC. 2. Chapter 12 (commencing with Section 108950) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12. TIRE AGE DEGRADATION

108950. (a) A tire dealer shall disclose the ~~age date of manufacture~~ of each automobile tire in writing prior to the sale or installation of that tire. Sale documents for tires shall include a statement as to the ~~age date of manufacture~~ of the tires, next to which the customer shall initial prior to purchase.

(b) (1) A tire dealer shall provide a written disclosure to the customer prior to the sale or installation of any tire about the risk associated with tire age ~~in English~~, as follows:

“Tires deteriorate with age, even if they have never or seldom been used. As tires age they are more prone to sudden failure that can cause a vehicle to crash. This applies also to the spare tire and tires that are stored for future use. Heat caused by hot climates or frequent high loading conditions can accelerate the aging process. Most vehicle manufacturers recommend that tires be replaced after six years, regardless of the remaining tread depth.”

(2) Nothing in this section affects any rights or duties under any other applicable statute or law.

~~(c) A tire dealer shall provide a clear and conspicuous written disclosure to the customer of the length of the remaining factory warranty on any tire sold as new or used.~~

~~(d)~~

(c) For purposes of this chapter, both of the following shall apply:

(1) “Tire dealer” shall include any retail tire outlet and any commercial retailer of any vehicle equipped with tires.

(2) “Tire” shall include both new and used tires.

~~(e)~~

(d) This chapter shall not apply to the private sale of used tires or any used vehicle.

- 1 108952. Any violation of this chapter is subject to a civil
- 2 penalty of two hundred fifty dollars (\$250) per violation.

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